

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1652 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

ICHHUBHAI G DHODIA

Versus

STATE OF GUJARAT

Appearance:

MR Kaushal Thaker for KS NANAVATI for Petitioners
MR N.N. Pandya for Respondent No. 1 and 2
None present for other respondents.

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/07/96

ORAL JUDGEMENT

1. The challenge has been made by the petitioner in this writ petition to the annexure 'A' under which the Government has nominated some of the persons on Board of directors of Shree Mahuva Pradesh Sahkari Khand Udhog Mandali Ltd. The petitioner further sought a relief to give the directions to the respondent no.4 to hold the

elections for the board of directors of the said society. The interim relief has been granted by this Court in terms of Para-26(c) which reads as under:

Pending the hearing and final disposal of this petition, Your Lordships will be pleased to stay the operation and execution of the impugned order at Annexure 'A' and restraining the respondents, their servants and agents from interfering with the management of the society by the present Board of Directors;

In view of this interim relief, the annexure 'A' has not remained in operation and the Board of Directors then present would have continued. It is possible that by passage of time fresh election would have been taken place for the Board of Directors of the Society, which position, the learned counsel for the petitioner has also not seriously disputed. In view of this fact that annexure 'A' has been stayed by this Court and remains under stay for all these years, this writ petition is disposed of in terms that annexure 'A' may not be given effect. However, it shall be open to the respondent-State Government to pass appropriate order, if necessity arises in accordance with law. Rule is made absolute in the aforesaid terms.